

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YIM, et al.,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

No. 2:18-cv-736-JCC

REPLY IN SUPPORT OF GRE
DOWNTOWNER LLC'S MOTION FOR
LEAVE TO FILE AN *AMICUS CURIAE*
BRIEF

NOTED ON MOTION CALENDAR:
May 22, 2020

GRE Downtowner LLC (GRE) has already acknowledged that its motion for leave to file an *amicus curiae* brief was filed after the Court's November 2018 deadline. *See* GRE's Motion (Dkt. No. 71) at 1. As previously stated, it did not at that time have the data it believes the Court will now find useful. *See id.* GRE respectfully suggests that the filing deadline should be extended to allow for the submission of information that was not available in 2018.

As for the City's suggestion that a party need only consider 42 U.S.C. § 13664(a)(2) and 24 C.F.R. § 5.100 to know what "federally assisted housing" means, *see* City of Seattle's Opposition (Dkt. No. 74) at 1, those definitions were not expressly incorporated into the Seattle Municipal Code and there is no indication that Seattle landlords may rely on those definitions. The City's "Frequently Asked Questions" document only added to the confusion caused by the ordinance's vagueness. In response to the question "How do I know if my organization qualifies

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1 as ‘federally assisted housing subject to federal regulations that require denial of tenancy’ that
 2 qualifies as an exclusion under SMC 14.09?”, there was no reference to the federal statute or
 3 regulation. Moreover, an early version of that document indicated that “[f]ederally assisted
 4 housing” was required to “comply with the ordinance,” but there was “an exclusion for adverse
 5 action **and screening** when denial of tenancy is required by federal regulations.” *See*
 6 [www.seattle.gov/Documents/Departments/CivilRights/Fair%20Housing/Fair%20Chance%20Ho](http://www.seattle.gov/Documents/Departments/CivilRights/Fair%20Housing/Fair%20Chance%20Housing%20FAQ_FINAL.pdf)
 7 [using%20FAQ_FINAL.pdf](http://www.seattle.gov/Documents/Departments/CivilRights/Fair%20Housing/Fair%20Chance%20Housing%20FAQ_FINAL.pdf) (emphasis added) at 3; *see also id.* at 2 (referring to the exclusion for
 8 adverse actions “and screening practices”). A later version of that document omitted the phrase
 9 “and screening,” *see*
 10 [www.seattle.gov/Documents/Departments/CivilRights/Fair%20Housing/Fair%20Chance%20Ho](http://www.seattle.gov/Documents/Departments/CivilRights/Fair%20Housing/Fair%20Chance%20Housing%20FAQ_amendments_FINAL_08-23-18.pdf)
 11 [using%20FAQ_amendments_FINAL_08-23-18.pdf](http://www.seattle.gov/Documents/Departments/CivilRights/Fair%20Housing/Fair%20Chance%20Housing%20FAQ_amendments_FINAL_08-23-18.pdf), at 3; *see also id.* at 2 (omitting “and
 12 screening practices”), which seemed to change the rules for federally assisted housing landlords.

13 For the reasons stated in its motion and in this reply, GRE respectfully requests that the
 14 Court grant it permission to file its *amicus curiae* brief.

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 16 DATED: May 22, 2020.

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CERTIFICATE OF SERVICE

I certify that on this day I electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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